

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims replaces all prior versions, and listings, of claims in the application. Reexamination and reconsideration in light of the proposed amendments and the following remarks are respectfully requested.

The rejection of claims 1-4 under 35 USC § 102(e) as being anticipated by Flick is respectfully traversed. The Flick reference fails to disclose each every one of the limitations recited in the claims as amended. The requirements that the position data-obtaining arrangement for obtaining the position data of the movable member from a unit outside of the movable member that is connected with a source of electrical energy and enabled to obtain the position data only when the state judging arrangement has judged that the movable member is stolen and is being transported with its main driving power at rest and is, then, transported no more, cannot be met by the disclosure of the Flick reference.

That is to say, in order to conserve the battery or the like from which the position data-obtaining arrangement draws its power, the position data-obtaining arrangement is only energized after the movable member (e.g. car) has been determined as being moved (e.g. towed or carried on a flatbed truck or the like) without its owner's knowledge and has come to rest for a sufficient period for it to be determined that nefarious transportation of the vehicle has ceased (at least long enough to suggest that recovery is possible). That is to say, to save the car battery or whatever source of power the position data-obtaining arrangement is energized, the movement of the vehicle or the like is monitored and when it stops for a given period, the position data-obtaining arrangement is energized to determine its location. To further attenuate exhaustion of the power source, the position data-obtaining arrangement, in a dependent claim can be energized only for a short period of time.

It is submitted that the Flick reference does not suggest this arrangement and as such cannot be relied upon to support an anticipation rejection. It is further submitted that the Flick reference fails to disclose monitoring the movement of the vehicle or the like while the prime mover (main driving power) engine or the like, is at rest.

It is submitted that, as the above claimed requirements cannot be met, then a *prima facie* case of anticipation cannot be established. Accordingly, the rejection should be withdrawn and the rejected claims allowed.

New claims are added in this response. The subject matter expressed in these new claims finds support in paragraphs [0067] and [0068] of the as filed specification. These new claims are both novel and non-obvious over the art which has been applied in that they recited structure/steps which are neither disclosed nor suggested by the Flick disclosure.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

By 

William T. Ellis
Attorney for Applicant
Registration No. 26,874

Thomas G. Bilodeau
Attorney for Applicant
Registration No. 43,438